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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:

NORTHERN HOLDING, LLC,

Debtor.

Case No. 8:20-bk-13014-ES

Chapter 7 Proceeding

**PRELIMINARY OBJECTION TO
APPLICATION FOR ISSUANCE OF
ORDER TO SHOW CAUSE RE: CIVIL
CONTEMPT FOR WILLFUL
VIOLATION OF AUTOMATIC STAY
AND THE COURT’S FARM
OPERATOR ORDER**

**TO THE HONORABLE ERITH A. SMITH, UNITED STATES BANKRUPTCY
JUDGE, THE UNITED STATES TRUSTEE, THE TRUSTEE AND HIS COUNSEL, AND
ALL PARTIES IN INTEREST:**

Lee Coddling (“Mr. Coddling”) hereby brings this Preliminary Objection to Trustee Richard A. Marshack’s Application for Issuance of Order to Show Cause re: Civil Contempt for Willful Violation of the Automatic Stay and the Court’s Farm Operator Order (Docket No. 304)

1 (“Application”) and respectfully represents as follows:

2 **I. PRELIMINARY OBJECTION**

3 Mr. Coddling files this preliminary objection to Application out of an abundance of caution
4 given that the Trustee has contended therein that the Court may enter an order to show cause re:
5 civil contempt before expiration of the seven-day notice period in contravention of Local
6 Bankruptcy Rule 9020-1(b). (Application, at 2:19-22.) Mr. Coddling intends to file a vigorous
7 response to the Application before expiration of the seven-day period and requests that the Court
8 not issue an order to show cause.

9 **II. CONCLUSION**

10 WHEREFORE, notice is hereby given that Mr. Coddling intends to oppose the entry of an
11 order to show cause re: civil contempt against him and will be filing a complete opposition to the
12 Application with legal authority and evidentiary support within the seven-day period pursuant to
13 Local Bankruptcy Rule 9020-1, notwithstanding the Trustee’s contentions to the contrary. Based
14 on the legal authority and evidentiary support to be filed, the Application must be denied.

15 Respectfully submitted,

16 DATED: April 4, 2022

GOE FORSYTHE & HODGES LLP

19 By: /s/ Robert P. Goe
20 Robert P. Goe
21 Brandon J. Iskander
22 Attorneys for Lee Coddling
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 18101 Von Karman Avenue, Suite 1200, Irvine, CA 92612

A true and correct copy of the foregoing document entitled (*specify*): **PRELIMINARY OBJECTION TO APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE RE: CIVIL CONTEMPT FOR WILLFUL VIOLATION OF AUTOMATIC STAY AND THE COURT'S FARM OPERATOR ORDER** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On April 4, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) April 4, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) April 4, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Erithe A. Smith, USBC, 411 West Fourth Street, Santa Ana, CA 92701
- (SUSPENDED DUE TO COVID 19 PROTOCOLS)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 4, 2022
Date

Kerry A. Murphy
Printed Name

/s/Kerry A. Murphy
Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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